

*The Honorable Marsha J. Pechman*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA  
ORANTES, BALTAZAR VASQUEZ,  
Plaintiffs-Petitioners,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
("ICE"); U.S. DEPARTMENT OF HOMELAND  
SECURITY ("DHS"); U.S. CUSTOMS AND BORDER  
PROTECTION ("CBP"); U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES ("USCIS"); EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW ("EOIR");  
THOMAS HOMAN, Acting Director of ICE; KIRSTJEN  
NIELSEN, Secretary of DHS; KEVIN K. McALEENAN,  
Acting Commissioner of CBP; L. FRANCIS CISSNA,  
Director of USCIS; MARC J. MOORE, Seattle Field Office  
Director, ICE; WILLIAM P. BARR, United States Attorney  
General; LOWELL CLARK, warden of the Northwest  
Detention Center in Tacoma, Washington; CHARLES  
INGRAM, warden of the Federal Detention Center in  
SeaTac, Washington; DAVID SHINN, warden of the Federal  
Correctional Institute in Victorville, California; JAMES  
JANECKA, warden of the Adelanto Detention Facility;

Defendants-Respondents.

No. 2:18-cv-928 MJP

**JOINT STIPULATION  
AND ORDER  
REGARDING BRIEFING  
SCHEDULE FOR  
DEFENDANTS'  
FORTHCOMING  
MOTION TO VACATE**

NOTE ON MOTION  
CALENDAR: APRIL 22, 2018.

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs and Defendants hereby stipulate and jointly move the Court for an Order setting forth the below briefing schedule for Defendants' forthcoming motion to vacate the preliminary injunction, and also jointly move the Court for an Order staying the enforcement of the preliminary injunction until May 31, 2019.

Defendants will be moving to vacate this Court's April 5, 2019, preliminary injunction in light of the Attorney General's decision in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), which overruled *Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005). In order to resolve the impact of this

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U.S. Department of Justice, Civil Division  
Office of Immigration Litigation, District Court Section  
PO Box 868, Ben Franklin Station  
Washington, DC 20044  
Telephone (202) 616-4458

1 decision on the preliminary injunction as expeditiously as possible, the parties have met and  
2 conferred and agreed upon the following briefing schedule.

3 April 26, 2019: Deadline for Defendants' Motion to Vacate

4 May 10, 2019: Deadline for Plaintiffs' Opposition to Defendants' Motion to Vacate

5 May 15, 2019: Deadline for Defendants' reply in support of their Motion to Vacate

6 Given the complex issues that the parties anticipate briefing, the parties also stipulate to a  
7 page limit of 24 pages for Defendants' Motion and Plaintiffs' Opposition, and 12 pages for  
8 Defendants' reply.

9 The parties also stipulate to a stay of the enforcement of the preliminary injunction until  
10 May 31, 2019, in order to resolve the impact of *Matter of M-S-* before the injunction goes into  
11 effect. To that effect, the parties respectfully request that this Court rule on the Motion to Vacate  
12 on or by May 31, 2019.<sup>1</sup>

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<sup>1</sup> Defendants reserve the right to move for an emergency stay if the Court has not ruled on the Motion to Vacate.

1 RESPECTFULLY SUBMITTED this April 19, 2019.

2 s/ Matt Adams

3 Matt Adams, WSBA No. 28287

4 Email: matt@nwirp.org

Trina Realmuto\*

Kristin Macleod-Ball\*

5 Leila Kang, WSBA No. 48048

6 Email: leila@nwirp.org

AMERICAN IMMIGRATION COUNCIL

1318 Beacon Street, Suite 18

Brookline, MA 02446

(857) 305-3600

trealmuto@immcouncil.org

kmacleod-ball@immcouncil.org

7 Aaron Korthuis, WSBA No. 53974

8 Email: aaron@nwirp.org

\*Admitted *pro hac vice*

9 NORTHWEST IMMIGRANT  
RIGHTS PROJECT

10 615 Second Avenue, Suite 400

Seattle, WA 98104

11 Telephone: (206) 957-8611

12 Facsimile: (206) 587-4025

*Attorneys for Plaintiffs-Petitioners*

13 JOSEPH. H. HUNT

14 Assistant Attorney General

Civil Division

/s/ Lauren C. Bingham

LAUREN C. BINGHAM, Fl. Bar #105745

Trial Attorney, District Court Section

Office of Immigration Litigation

Civil Division

P.O. Box 868, Ben Franklin Station

Washington, DC 20044

(202) 616-4458; (202) 305-7000 (fax)

lauren.c.bingham@usdoj.gov

15 WILLIAM C. PEACHEY

16 Director, District Court Section

Office of Immigration Litigation

17 EREZ REUVENI

18 Assistant Director, District Court Section

*Attorneys for Defendants-Respondents*

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**ORDER**

Based on the foregoing stipulation of the parties, IT IS SO ORDERED. The following deadlines govern Defendants' forthcoming Motion to Vacate:

April 26, 2019: Deadline for Defendants' Motion to Vacate

May 10, 2019: Deadline for Plaintiffs' Opposition to Defendants' Motion to Vacate

May 15, 2019: Deadline for Defendants' reply in support of their Motion to Vacate

Compliance with the Preliminary Injunction entered on April 5, 2019, is hereby STAYED until May 31, 2019.

DATED this 23rd day of April, 2019.



Marsha J. Pechman  
United States Senior District Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2019, I had the foregoing electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

/s/ Lauren C. Bingham

LAUREN C. BINGHAM, Fl. Bar #105745

Trial Attorney, District Court Section

Office of Immigration Litigation

Civil Division

P.O. Box 868, Ben Franklin Station

Washington, DC 20044

(202) 616-4458; (202) 305-7000 (fax)

[lauren.c.bingham@usdoj.gov](mailto:lauren.c.bingham@usdoj.gov)

Attorney for Defendants

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